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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/659,434                 | 09/11/2003  | Hyung-Soo Kim        | 1349.1305           | 4095             |
| 21171                      | 7590        | 07/26/2005           |                     |                  |
| STAAS & HALSEY LLP         |             |                      | EXAMINER            |                  |
| SUITE 700                  |             |                      | PHAN, JAMES         |                  |
| 1201 NEW YORK AVENUE, N.W. |             |                      |                     |                  |
| WASHINGTON, DC 20005       |             |                      | ART UNIT            | PAPER NUMBER     |
|                            |             |                      | 2872                |                  |

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |
|------------------------------|------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>  |
|                              | 10/659,434             | KIM, HYUNG-SOO<br> |
|                              | <b>Examiner</b>        | <b>Art Unit</b>  |
|                              | James Phan             | 2872   |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 and 12-14 is/are withdrawn from consideration.
- 5) Claim(s) 1-5, 9, 11 and 15-20 is/are allowed.
- 6) Claim(s) 21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of I in the reply filed on 5/17/05 is acknowledged. The traversal is on the ground(s) that there have been no references cited to show any necessity for requiring restriction and that the examiner has not set forth why there would be a serious burden if restriction is required. This is not found persuasive because (1) the inventions are distinct for the reasons set forth in the restriction requirement and under MPEP Section 808.02(A) "patents need not be cited to show separate classification"; and (2) the elected invention requires at least a search in class 359, subclasses 558, 566, 641-642, 708 and 718, while the non-elected invention does not, and the non-elected invention requires at least a search in class 359, subclasses 205-206, and class 347, subclasses 258-260, while the elected invention does not; thus, a serious burden on the examiner has been shown.

The requirement is still deemed proper and is therefore made **FINAL**.

Claims 6-8, 12-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

***New Grounds of Rejection***

The amendment filed 1/25/05 necessitates the following new grounds of rejection:

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ori.

Ori discloses a collimating lens (3) consisting of one lens having a refraction surface (RC4) on one side and a diffraction surface (RC5) on an opposite side (column 7, lines 13-16; Fig. 2) for preventing variation of focal distance (column 2, lines 44-49).

In order to prevent variation of focal distance of the collimating lens (3), a power variation of the refraction surface is inherently offset by a power variation of the diffraction surface.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al '563. See Fig. 3 and claims 1-2.

***Allowable Subject Matter***

Claims 1-5, 9, 11, and 15-20 are allowed.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Phan  
Primary Examiner  
Art Unit 2872

JP  
7/22/05